



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, WEDNESDAY, JULY 8, 2020
(ASADHA 17, 1942 SAKA)

LEGISLATIVE SUPPLEMENT

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PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF AGRICULTURE AND FARMERS' WELFARE
(AGRICULTURE-3 BRANCH)

NOTIFICATION

The 26th June , 2020

No. G.S.R. 38/Const./Art.309/2020.- In exercise of the powers conferred by the provision to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the recruitment and the conditions of service of the persons appointed to the Punjab Soil and Water Conservation (Non-Ministerial) (Group "B") Service, namely:-

RULES

- 1. Short title, commencement and application.-**(1) These rules may be called the Punjab Soil and Water Conservation (Non-Ministerial) (Group 'B') Service Rules, 2020.
 - (2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
 - (3) They shall apply to the posts specified in Appendix "A".
- 2. Definitions.-**(1) **In these rules, unless the context otherwise requires,-**
 - (a) "Appendix" means an appendix appended to these rules;
 - (b) "Chief Conservator" means the Chief Conservator of Soils, Punjab; and includes an officer appointed by the Government to perform the functions and duties of Chief Conservator of Soils;
 - (c) "Government" means the Government of the State of Punjab in the Department of Soil and Water Conservation; and
 - (d) "Service" means the Punjab Soil and Water Conservation (Non-Ministerial) (Group 'B') Service.
 - (2) The words and expressions used in these rules but not defined shall have the respective meanings as assigned to these expressions in the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

- 3. Number and character of posts.-** The Service shall comprise the posts specified in Appendix 'A':

Provided that nothing in these rules shall affect the inherent right of the Government to add or reduce the number of such posts or to create new posts with different designations and scales of pay, whether permanently or temporarily.

- 4. Appointing authority.-** All appointments to the Service shall be made by the Government.

- 5. Method of appointment, qualification and experience.-** (1) Appointment to the Service shall be made in the manner specified in Appendix "B":

Provided that if no suitable candidate is available for appointment by promotion or by direct appointment, as the case may be, then appointment to the Service shall be made by transfer of a person holding a similar post under the State Government or the Government of India.

(2) No person shall be appointed to any post in the Service, unless he possesses the qualifications and experience as specified against that post in Appendix "B".

(3) Appointment to the Service by promotion shall be made on the basis of seniority-cum-merit, but no person shall have any right to claim promotion on the basis of seniority alone.

- 6. Pay of the members of Service.-** The members of the Service shall be entitled to such scales of pay, as may be authorized by the Punjab Government from time to time. The scales of pay, at present, in force are given in Appendix "A".

- 7. Discipline, punishment and appeal.-** (1) In the matters of discipline, punishment and appeals, the members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time.

(2) The authority empowered to impose penalties as specified in rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 in respect of the members of the Service, shall be the Government.

- 8. Application of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.-** (1) In respect of the matters, which are not specifically provided in these rules, the members of the Service shall

be governed by the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, as amended from time to time.

(2) The Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, at present in force, are contained in Appendix 'C'.

9. Repeal and savings.- The Punjab Soil and Water Conservation and Wasteland Development Class-III Service (Non-Ministerial) Rules, 2001, in so far as these are applicable to the members of the Service are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed shall be deemed to have been issued or taken under the corresponding provisions of these rules.

10. Interpretation.- If any question arises as to the interpretation of these rules, the Government in consultation with the Department of Personnel, shall decide the same.

Appendix 'A'

(see rules 1 (3), 3 and 6)

Serial No.	Designation of the post	Number of posts	Scale of pay+Grade pay (in rupees)
1	2	3	4
1.	Circle Head Draftsman	3	10300-34800+5400
2.	Head Draftsman	7	10300-34800+5000
3.	Technical Assistant	1	10300-34800+4800
4.	Draftsman/ Cartographic Assistant	67	10300-34800+4600
5.	Statistical Assistant	1	10300-34800+4400

Appendix 'B'

(See rule 5)

Serial No.	Designation of the post	Percentage of appointment by		Method of appointment qualification and experience for appointment by	
		Direct appointment	Promotion	Direct appointment	Promotion
1.	Circle Head Draftsman	----	Hundred percent	----	From amongst the Head Draftsmen or Draftsmen, who have an experience of working as such for a minimum period of six years.
2.	Head Draftsman		Hundred percent	----	From amongst the Draftsmen/ Cartographic Assistants, who have an experience of working as such for a minimum period of five years.
3.	Technical Assistant		Hundred percent	----	From amongst the Statistical Assistants, who have an experience of working as such for a minimum period of three years.
4.	Draftsman/ Cartographic Assistant		Hundred Percent	----	From amongst the Junior Draftsmen who are working under the control of the Chief Conservator and who have an experience of working as such for a minimum period of five years.

5.	Statistical Assistant	Hundred percent	----	Master's degree of a recognized University in Economics or Mathematics or Agricultural Economics or Commerce with Statistics as one of the subjects or Master's degree in Statistics of a recognized University or institution; OR Graduate having 50% marks with Economics or Mathematics or Agricultural Economics or Commerce with Statistics as one of the elective subject of a recognized University or institution. Preference will be given to a candidate possessing Master's degree	----
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in the subjects
mentioned
above and a
candidate who
is Graduate in
the subjects
mentioned
above having an
experience in
collection,
compilation and
analysis of
statistical data
in a
Government
office or an
institution
recognized by
the State
Government at
least for a
period of one
year in the case
of candidates
possessing
M.Sc. degree
and at least
three years in
the case of
Graduates.

APPENDIX 'C'

(See Rule '6')

1. Short title, commencement and application.-

- (i) These rules may be called the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.
- (ii) They shall come into force at once.
- (iii) They shall apply to all the posts in Class 1, Class 11 and Class 111 services in connection with the affairs of the State of Punjab.

2. Definitions.- In these rules, unless the context otherwise requires,

- (a) "Appointing Authority" means an appointing authority specified as such in the Service Rules made under article 309 of the Constitution of India in respect of any service or post in connection with the affairs of the State of Punjab.
- (b) "Board" means the Subordinate Services Selection Board, Punjab or any other authority constituted to perform its functions.
- (c) "Commission" means the Punjab Public Service Commission.
- (d) "Direct Appointment" means an appointment made otherwise than by promotion or by transfer of a person already in the service of Government of India or of a State Government;
- (e) "Government" means the Government of the State of Punjab in the Department of Agriculture, Punjab.
- (f) "Recognised University or Institution" means:-
 - (i) Any University or Institution incorporated by law in any of the State of India, or
 - (ii) Any other University or Institution which is declared by the Government to be a recognised University or Institution for the purpose of these rules.
- (g) "Service" means any Class-III Service, (Ministerial) constituted in connection with the affairs of the State of Punjab.

3. Nationality, domicile and character of person's appointed to the service.-

- (1) No person shall be appointed to the service unless he is:-
 - (a) a citizen of India, or
 - (b) a citizen of Nepal, or
 - (c) a subject of Bhutan, or

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- (d) a Tibetan refugee who came over to India before the 1st day of January, 1962, with the intention of permanently settling in India, or
 - (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zamil, Malawi, Zaire, Ethiopia and Vietnam with the intention of permanently settling in India. Provided that a person belonging to any of the categories (b), (c), (d) and (e) shall be person in whose favour a certificate of eligibility has been given by the Government of Punjab in the Department of Home Affairs and Justice.

(2) A person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or the Board, as the case may be, on his furnishing proof that he has applied for the certificate but he shall not be appointed to the service unless the necessary certificate is given to him by the Government of Punjab in the Department of Home Affairs and Justice.

(3) No person shall be recruited to the service by direct appointment, unless he produces.

- (a) A certificate of character from the Principal, Academic Officer of the University, College, School or Institution last attended, if any, and similar certificates from two responsible persons not being his relatives who are well acquainted with him in his private life and are unconnected with the University, College, School or Institution; and
- (b) an affidavit to the effect that he was never convicted for any criminal offence involving moral turpitude and that he was never dismissed and removed from service of any State Govt, or of Government of India, or of any Public Sector Undertaking.

4. Disqualification.—No person—(a) who has entered into or contracted a marriage with a person having a spouse living or

(b) who having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the service:

Provided that the Government, if satisfied that such marriage is permissible under the personal law applicable to such person and the other

party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Age.- (1) No person shall be recruited to the Service by direct appointment, if, he is less than eighteen years or is more than thirty-five years of age for Technical and Non Technical posts on the 1st day of January of the year immediately preceding the last date fixed for submission of applications by the Commission or the Board as the case may be, or unless he is within such range of minimum and maximum age limits as may be specifically fixed by the Government from time to time;

Provided that where different lower and upper age limits have been specifically prescribed for posts in the Service Rules, these limits shall be made applicable for appointment to such posts:

Provided further that the upper age limit may be relaxed up to forty-five years in the case of persons already in the employment of the Punjab Government, other State Government or the Government of India:

Provided further that in the case of candidates belonging to Scheduled Castes and other Backward Classes, the upper age limit shall be as such as may be fixed by the Government from time to time.

(2) In the case of ex-servicemen, the upper age limit shall be as such as has been prescribed in the Punjab Recruitment of Ex-servicemen Rules, 1982, as amended from time to time.

(3) In the case of appointment on compassionate ground on priority basis, the upper age limit shall be as such as may be specifically fixed by the Government from time to time.

6. Qualifications etc.- The number and character of posts, method of recruitment and educational qualifications and experience for appointment to a post or posts in a Service and the departmental examination, if any, shall be such as shown in Appendix 'B'

7. Probation.- (1) A person appointed to any post in the service shall remain on probation for period of two years, if recruited by direct appointment and one year if appointed otherwise provided that--

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (b) In the case of an appointment by transfer, any period of work on an equivalent or higher rank, prior to appointment to the Service,

may in the discretion of the appointing authority, be allowed to count towards the period of probation two and half years;

- (c) Any period of officiating appointment to the service shall be reckoned as period spent on probation; and
- (d) any kind of leave not exceeding six months during or at the end of period of probation, shall be counted towards the period of probation.

(2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory or if he has failed to pass the departmental examination, if any, prescribed in Service Rules within a period not exceeding two and a half years from the date of appointment, it may,--

- (a) If such person is recruited by direct appointment, dispense with his service, or revert him to a post on which he held lien prior to his appointment to the service by direct appointment; and
- (b) if such person is appointed otherwise--
 - (i) revert him to his former post; or
 - (ii) deal with him in such other manner as the terms and conditions of the previous appointment permit.

(3) On the completion of the period of probation of a person, the appointing authority may,--

- (a) If his work and conduct has in its opinion been satisfactory confirm such person from the date of his appointment or from the date he completes his period of probation satisfactorily, if he is not already confirmed, or declare that he has completed his probation satisfactorily, if he is already confirmed; or
- (b) If his work or conduct has not been in its opinion, satisfactory or if he has failed to pass the departmental examination, if any, specified in the Service rules--
 - (i) dispense with his services, if appointed by direct appointment or if appointed otherwise revert him to his former post, or deal with him in such manner as the terms and conditions of his previous appointment may permit;
 - (ii) extend his period of probation and thereafter pass such order as it could have passed on the expiry of the period of probation as specified in sub-rule (1):

Provided that the total period of probation including extension, if any, shall not exceed three years.

8. Seniority.-- The seniority inter se of persons appointed to posts in each cadre of a service shall be determined by the length of continuous service on such post in that cadre of the service:

Provided that in the case of person recruited by direct appointment who join within the period specified in the order of appointment or within such period as may be extended from time to time by the appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission or the Board, as the case may be shall not be disturbed:

Provided further that in case a person is permitted to join the post after the expiry of the said period of four months in consultation with the Commission or the Board, as the case may be, his seniority shall be determined from the date he joins the post:

Provided further that in case any person of the next selection has joined a post in the cadre of the concerned Service before the person referred to in the preceding proviso joins, the person so referred shall be placed below all the persons of the next selections who join within the time specified in the first proviso:

Provided further that in the cadre of two or more persons appointed on the same date, their seniority shall be determined as follows:-

- (a) a person appointed by direct appointment shall be senior to a person appointed otherwise ;
- (b) a person appointed by promotion shall be senior to a person appointed by transfer;
- (c) in the case of persons appointed by promotion or transfer, the seniority shall be determined according to the seniority of such persons in the appointments from which they were promoted or transferred ; and
- (d) in the case of persons appointed by transfer from different cadres their seniority shall be determined according to pay, preference being given to a person who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same then by their length of service in these appointments and if

the length of service is also the same, an older person shall be senior to a younger person.

Note:- Seniority of persons appointed on purely provisional basis or on ad hoc basis shall be determined as and when they are regularly appointed keeping in view the dates of such regular appointment.

9. Liability of members of service to transfer.- A member of a Service may be transferred to any post whether included in any other service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Service Rules, Volume I, Part-I.

10. Liability to serve.- A member of a services shall be liable to serve at any place, whether within or out of the State of Punjab, on being ordered so to do by the appointing authority.

11. Leave, Pension and other matters.- In respect of pay, leave, pension and all other matters not expressly provided for in these rules a member of a service shall be governed by such rules and regulations as may have been or may hereafter be adopted or made by the competent authority.

12. Discipline, penalties and Appeals.- (1) In the matter of discipline, punishments and appeals, members of the Service shall be governed by the Punjab Civil Services (Punishment and Appeal) Rules, 1970 as amended from time to time.

(ii) The Authority competent to impose penalties shall be as shown in Appendix 'C'.

13. Liability for vaccination and re-vaccination.- Every member of a Service shall get himself vaccinated or re-vaccinated when Punjab Government so directs by a special or general order.

14. Oath of allegiance.- Every member of a Service, unless he has already done so, shall be required to take oath of allegiance to India and to the Constitution of India as by law established.

15. Knowledge of Punjabi Language.- No person shall be appointed to any post in any service by direct appointment unless he has possess knowledge of Punjabi language of Matriculation standard or it equivalent :

Provided that where a person in appointed on compassionate grounds on priority basis under the instructions issued in this behalf by the Government, the person so appointed will have to acquire knowledge of Punjabi language of Matriculation standard or will have to qualify a test conducted by the Language Wing of Department of Education of Punjab Government within 6 months on the date of his appointment :

Provided further that where educational qualifications for an post in any service are lower than the Matriculation knowledge of Punjabi Language shall be lowered according.

16. Debarring for consideration for promotion of a Government employee who refuses to accept promotion.- In the event of refusal to accept promotion by a member of a Service, he shall be debarred by the appointing authority from consideration for promotion for all the consecutive chances which may occur in future within a period of two years from the date of such refusal to accept promotion :

Provided that in a case where the appointing authority is satisfied that a member of a service has refused to accept promotion under the circumstances beyond his control, it may exempt such a member for reasons to be recorded therefore in writing from the operation of this rule.

17. Power to relax.-Where the government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons :

Provided that the provisions relating to educational qualifications and experience, if any, shall not be relaxed.

18. Over riding effect.-The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any rules for the time being in force for regulating the recruitment and conditions of service for appointment to public service and posts in connection with the affairs of the State.

19. Interpretation.-If any question arises as to the interpretation of these rules, the Government shall decide the same.

A.S. CHATHA,

Chief Secretary to Government of Punjab.

ANIRUDH TEWARI,

Additional Chief Secretary (Development) to
Government of Punjab,

Department of Agriculture and Farmers' Welfare.